

Introduced by Senator Florez

February 22, 2008

An act to amend Section 44011 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1549, as introduced, Florez. Smog check program: San Joaquin Valley Unified Air Pollution Control District.

(1) Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs that provides for the inspection of all motor vehicles, except those exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Motor vehicles manufactured prior to the 1976 model-year are exempt from smog check requirements, as provided.

This bill would exclude from this exemption those motor vehicles registered by a new owner at an address within the boundaries of the San Joaquin Valley Unified Air Pollution Control District on or after January 1, 2009.

(2) Because violations by owners of motor vehicles currently exempt from the smog check requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44011 of the Health and Safety Code, as
2 amended by Section 2 of Chapter 739 of the Statutes of 2007, is
3 amended to read:

4 44011. (a) All motor vehicles powered by internal combustion
5 engines that are registered within an area designated for program
6 coverage shall be required biennially to obtain a certificate of
7 compliance or noncompliance, except for all of the following:

8 (1) Every motorcycle, and every diesel-powered vehicle, until
9 the department, pursuant to Section 44012, implements test
10 procedures applicable to motorcycles or to diesel-powered vehicles,
11 or both.

12 (2) Any motor vehicle that has been issued a certificate of
13 compliance or noncompliance or a repair cost waiver upon a change
14 of ownership or initial registration in this state during the preceding
15 six months.

16 (3) (A) Any motor vehicle manufactured prior to the 1976
17 model-year.

18 (B) *The exemption in this paragraph does not apply to a motor*
19 *vehicle registered by a new owner at an address within the*
20 *boundaries of the San Joaquin Valley Unified Air Pollution Control*
21 *District on or after January 1, 2009.*

22 (4) (A) Except as provided in subparagraph (B), any motor
23 vehicle four or less model-years old.

24 (B) Beginning January 1, 2005, any motor vehicle six or less
25 model-years old, unless the state board finds that providing an
26 exception for these vehicles will prohibit the state from meeting
27 the requirements of Section 176(c) of the federal Clean Air Act
28 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
29 respect to the state implementation plan required by the federal
30 Clean Air Act.

1 (C) Any motor vehicle excepted by this paragraph shall be
2 subject to testing and to certification requirements as determined
3 by the department, if any of the following apply:

4 (i) The department determines through remote sensing activities
5 or other means that there is a substantial probability that the vehicle
6 has a tampered emission control system or would fail for other
7 cause a smog check test as specified in Section 44012.

8 (ii) The vehicle was previously registered outside this state and
9 is undergoing initial registration in this state.

10 (iii) The vehicle is being registered as a specially constructed
11 vehicle.

12 (iv) The vehicle has been selected for testing pursuant to Section
13 44014.7 or any other provision of this chapter authorizing
14 out-of-cycle testing.

15 (5) In addition to the vehicles exempted pursuant to paragraph
16 (4), any motor vehicle or class of motor vehicles exempted pursuant
17 to subdivision (b) of Section 44024.5. It is the intent of the
18 Legislature that the department, pursuant to the authority granted
19 by this paragraph, exempt at least 15 percent of the lowest emitting
20 motor vehicles from the biennial smog check inspection.

21 (6) Any motor vehicle that the department determines would
22 present prohibitive inspection or repair problems.

23 (7) Any vehicle registered to the owner of a fleet licensed
24 pursuant to Section 44020 if the vehicle is garaged exclusively
25 outside the area included in program coverage, and is not primarily
26 operated inside the area included in program coverage.

27 (b) Vehicles designated for program coverage in enhanced areas
28 shall be required to obtain inspections from appropriate smog
29 check stations operating in enhanced areas.

30 (c) For purposes of subdivision (a), any collector motor vehicle,
31 as defined in Section 259 of the Vehicle Code, is exempt from
32 those portions of the test required by subdivision (f) of Section
33 44012 if the collector motor vehicle meets all of the following
34 criteria:

35 (1) Submission of proof that the motor vehicle is insured as a
36 collector motor vehicle, as shall be required by regulation of the
37 bureau.

38 (2) The motor vehicle is at least 35 model-years old.

39 (3) The motor vehicle complies with the exhaust emissions
40 standards for that motor vehicle's class and model-year as

1 prescribed by the department, and the motor vehicle passes a
2 functional inspection of the fuel cap and a visual inspection for
3 liquid fuel leaks.

4 (d) This section shall remain in effect only until January 1, 2010,
5 and as of that date is repealed.

6 SEC. 2. Section 44011 of the Health and Safety Code, as added
7 by Section 3 of Chapter 739 of the Statutes of 2007, is amended
8 to read:

9 44011. (a) All motor vehicles powered by internal combustion
10 engines that are registered within an area designated for program
11 coverage shall be required biennially to obtain a certificate of
12 compliance or noncompliance, except for the following:

13 (1) All motorcycles until the department, pursuant to Section
14 44012, implements test procedures applicable to motorcycles.

15 (2) All motor vehicles that have been issued a certificate of
16 compliance or noncompliance or a repair cost waiver upon a change
17 of ownership or initial registration in this state during the preceding
18 six months.

19 (3) (A) All motor vehicles manufactured prior to the 1976
20 model-year.

21 (B) *The exemption in this paragraph does not apply to a motor*
22 *vehicle registered by a new owner at an address within the*
23 *boundaries of the San Joaquin Valley Unified Air Pollution Control*
24 *District on or after January 1, 2009.*

25 (4) (A) Except as provided in subparagraph (B), all motor
26 vehicles four or less model-years old.

27 (B) Beginning January 1, 2005, all motor vehicles six or less
28 model-years old, unless the state board finds that providing an
29 exception for these vehicles will prohibit the state from meeting
30 the requirements of Section 176(c) of the federal Clean Air Act
31 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
32 respect to the state implementation plan required by the federal
33 Clean Air Act.

34 (C) All motor vehicles excepted by this paragraph shall be
35 subject to testing and to certification requirements as determined
36 by the department, if any of the following apply:

37 (i) The department determines through remote sensing activities
38 or other means that there is a substantial probability that the vehicle
39 has a tampered emission control system or would fail for other
40 cause a smog check test as specified in Section 44012.

1 (ii) The vehicle was previously registered outside this state and
2 is undergoing initial registration in this state.

3 (iii) The vehicle is being registered as a specially constructed
4 vehicle.

5 (iv) The vehicle has been selected for testing pursuant to Section
6 44014.7 or any other provision of this chapter authorizing
7 out-of-cycle testing.

8 (D) This paragraph does not apply to diesel-powered vehicles.

9 (5) In addition to the vehicles exempted pursuant to paragraph
10 (4), any motor vehicle or class of motor vehicles exempted pursuant
11 to subdivision (b) of Section 44024.5. It is the intent of the
12 Legislature that the department, pursuant to the authority granted
13 by this paragraph, exempt at least 15 percent of the lowest emitting
14 motor vehicles from the biennial smog check inspection.

15 (6) All motor vehicles that the department determines would
16 present prohibitive inspection or repair problems.

17 (7) Any vehicle registered to the owner of a fleet licensed
18 pursuant to Section 44020 if the vehicle is garaged exclusively
19 outside the area included in program coverage, and is not primarily
20 operated inside the area included in program coverage.

21 (8) (A) All diesel-powered vehicles manufactured prior to the
22 1998 model-year.

23 (B) All diesel-powered vehicles that have a gross vehicle weight
24 rating of 8,501 to 10,000 pounds, inclusive, until the department,
25 in consultation with the state board, pursuant to Section 44012,
26 implements test procedures applicable to these vehicles.

27 (C) All diesel-powered vehicles that have a gross vehicle weight
28 rating from 10,001 pounds to 13,999 pounds, inclusive, until the
29 state board and the Department of Motor Vehicles determine the
30 best method for identifying these vehicles, and until the department,
31 in consultation with the state board, pursuant to Section 44012,
32 implements test procedures applicable to these vehicles.

33 (D) All diesel-powered vehicles that have a gross vehicle weight
34 rating of 14,000 pounds or greater.

35 (b) Vehicles designated for program coverage in enhanced areas
36 shall be required to obtain inspections from appropriate smog
37 check stations operating in enhanced areas.

38 (c) For purposes of subdivision (a), a collector motor vehicle,
39 as defined in Section 259 of the Vehicle Code, is exempt from
40 those portions of the test required by subdivision (f) of Section

1 44012 if the collector motor vehicle meets all of the following
2 criteria:

3 (1) Submission of proof that the motor vehicle is insured as a
4 collector motor vehicle, as shall be required by regulation of the
5 bureau.

6 (2) The motor vehicle is at least 35 model-years old.

7 (3) The motor vehicle complies with the exhaust emissions
8 standards for that motor vehicle's class and model-year as
9 prescribed by the department, and the motor vehicle passes a
10 functional inspection of the fuel cap and a visual inspection for
11 liquid fuel leaks.

12 (d) This section shall become operative on January 1, 2010.

13 SEC. 3. The Legislature finds and declares that, due to the
14 unique circumstances applicable to air quality in the San Joaquin
15 Valley, a statute of general applicability cannot be enacted within
16 the meaning of subdivision (b) of Section 16 of Article IV of the
17 California Constitution.

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.